APPENDIX

STATUTES AND REGULATIONS INVOLVED

28 U.S.C.

Section 1254. Court of appeals; certiorari; appeal; certified questions.

Cases in the court of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

* * * * * *

35 U.S.C.

Section 24. Subpoenas, witnesses

The clerk of any United States court for the district wherein testimony is to be taken for use in any contested case in the Patent Office, shall, upon the application of any party thereto, issue a subpoena for any witness residing or being within such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpoena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses and to the production of documents and things shall apply to contested cases in the Patent Office.

* * * * * *

Section 135. Interferences

(a) Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The question of priority of invention shall be determined by a board of patent interferences (consisting of three examiners of interferences) whose decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent Office of the claims involved, and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims involved from the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent Office.

* * * * * *

FINAL ORDER AFTER REMAND ENTERED JANUARY 21, 1969, NUNC PRO TUNC JANUARY 17, 1969

WHEREAS, this Court by its Minute Order dated July 18, 1967 "allowed" the "motion of party Natta et al for discovery under Rule 34" "subject to objections as they shall be made from time to time"; and

WHEREAS, this Court by its Final Order dated May 16, 1968 sustained the objections thereafter advanced by defendants Alex Zletz and Standard Oil of Indiana (hereinafter collectively referred to as "Standard") to the aforesaid motion of Natta et al; and

WHEREAS, Natta et al duly appealed from the said Final Order dated May 16, 1968; and

WHEREAS, the United States Court of Appeals for the Seventh Circuit on December 19, 1968 rendered an opinion on said appeal stating, *inter alia:*

(a) that it "set aside" this Court's Final Order dated May 16, 1968 "as unduly restrictive and not in accord with the broad type of discovery and duty of full disclosure contemplated by the patent laws, including 35 U.S.C. § 24" (p. 2);

(b) that the "Documents assertedly relating to polyethylene rather than polypropylene" which "were inspected *in camera* and *ex parte* by the district judge" (p. 2), later identified in said opinion as "the polyethylene documents" (p. 3), "are relevant or may lead to relevant matters within the purview of Rules 26(b) and 34 of the Federal Rules of Civil Procedure" "and may not be withheld on the grounds of irrelevancy" (p. 3);

(c) that as to Standard's claim that "the polyethylene documents" " 'constitute valuable trade secrets' " (p. 3) "Standard has no absolute right to refuse to divulge the polyethylene information on trade secrecy grounds in view of the public interest in seeking the truth about who is entitled to this patent", "that any prejudice to the owner of trade secrets caused by disclosure under Rule 34 could be obviated by a protective order under Rule 30(b)", that "Therefore, it is our conclusion that Natta's counsel may inspect the polyethylene documents submitted to the district court in envelopes II, III and V subject to the protective order entered by the district court on September 14, 1967, to be supplemented by a

district court clause specifically forbidding Natta's counsel to make any disclosure to Natta, its assignees, or any third parties. Under the protective order, the information disclosed may only be used in Interference 89,634", that "Natta counsel may not disclose any information derived from this inspection outside the Patent Office", and that "During the presentation of Natta's rebuttal case before the Patent Office, Standard can secure further protection against any revelation of its trade secrets" (p. 4);

(d) that the "Two Standard memoranda dealing with the possible filing of foreign patent applications . . . also withheld by the district court on relevancy grounds . . . are sufficiently relevant to compel inspection" (pp. 4-5); and

(e) that "the district court selected October 15, 1954, the date of Zletz's application, as the cut-off date for discovery"; "the cut-off date selected was improper. Subsequent documents may bear on events prior thereto and also on any actual reduction to practice by Standard. They should be produced if they are in the categories already sought by Natta" (p. 5); and

WHEREAS, this Court on January 14, 1969 received the mandate of the Court of Appeals pursuant to which this Court's Final Order of May 16, 1968 was reversed and this cause was remanded to this Court for further proceedings not inconsistent with the appellate opinion;

NOW, THEREFORE,

It is hereby ORDERED that

A. This Court's Final Order dated May 16, 1968 is hereby vacated and the Natta et al motion for discovery under Rule 34 is granted;

B. To the extent it has not already done so, Standard shall produce for inspection by Natta counsel all of the documents with respect to which Standard's objections were sustained by said hereby vacated Final Order, subject only to the terms and conditions set forth in the aforementioned opinion of the United States Court of Appeals for the Seventh Circuit and paragraph D hereof;

C. Specifically, but only by way of elucidation and not in limitation of the foregoing paragraphs A and B hereof, Standard shall produce for inspection by counsel for Natta et al:

(1) the so-called "polyethylene documents" provided however,

(a) that those of the polyethylene documents which are contained in the envelopes heretofore submitted to this Court and identified as envelopes 1, 1(a), 1(b), 1(c), 2, 3 and 4 shall be produced subject to the existing protective order entered by this Court on September 14, 1967, and

(b) that those of the polyethylene documents submitted to the district court in envelopes II, III and V shall be produced subject to the protective order entered by this Court on September 14, 1967 as hereby supplemented pursuant to the mandate of the Court of Appeals

(i) to forbid Natta counsel from making any disclosure of the information derived from this inspection to Natta, its assignees or any third parties,

(ii) to provide that the information disclosed may only be used in Interference 89,634,

(iii) to provide that Natta counsel may not disclose any information derived from this inspection outside the Patent Office, and

(iv) to provide that during the presentation of Natta's rebuttal case before the Patent Office Standard may apply to the Patent Office for further protection against any revelation of its trade secrets.

(2) The "Two Standard memoranda dealing with the possible filing of foreign patent applications", the same being the "Memo '8-3-54 DEP' " and the "Memo '2-1-54' " identified in paragraph 3 of the said Final Order of May 16, 1968, and

(3) all documents dated subsequent to October 15, 1954, in the categories already sought by Natta.

D. Notwithstanding anything in the prior provisions of this Order, Standard shall not be required to produce documents constituting or disclosing confidential communications between Standard the client and counsel for Standard and relating to the seeking of, or giving of, legal advice of any kind, nor shall counsel for Standard be required to submit to Natta or its counsel any documents in the nature of attorney's work product developed in anticipation of Interference 89,634 or in anticipation of these proceedings.

JAMES B. PARSONS,
United States District Judge.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

March 10, 1969

Before Hon. LATHAM CASTLE, Chief Judge, Hon. WIN G. KNOCH, Senior Circuit Judge, Hon. WALTER J. CUMMINGS, Circuit Judge.

No. 17391

GIULIO NATTA, et al., *Appellants,*

vs.

ALEX ZLETZ, et al., *Appellees.*

ORDER

The principal question presented by this appeal is whether our mandate of January 14, 1969, following the issuance of our opinion reported in 405 F. 2d 99, precluded the district court from entering an order excepting from appellant Natta's documentary inspection appellee Standard's attorneys' work product and confidential communications between them and Standard with respect to certain legal advice.

Upon consideration of the briefs and the appendix, the district court's order of January 21, 1969, is affirmed, but without prejudice to Natta's contesting Standard's work product and privilege claims on the merits before the district court.

It is further ordered that Standard's motion for leave to file a summary list of privileged documents in this Court is denied.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Civil Action No. 66 C 1211

HOGAN, et al.

v.

ZLETZ,

v.

BAXTER, et al.

v.

NATTA, et al.

LIST OF STANDARD'S PRIVILEGED DOCUMENTS

For convenience of reference, this list of documents as to which Standard Oil Company and Zletz assert the attorney-client and/or work product privileges is divided into three general categories:

Category 1 lists correspondence between outside counsel retained by Standard and Zletz in connection with or in anticipation of Interference 89,634 and attorneys in the Patents and Licensing Department of Standard (including subsidiaries).

Category 2 lists intra-office memoranda prepared either by such outside counsel or by attorneys in Standard's Patents and Licensing Department in connection with their work on Interference 89,634.

Category 3 lists correspondence between Standard's outside counsel and one of its outside technical experts in connection with Interference 89,634.

The documents in each category are listed in chronological order and each document is described by an identifying number, by the type of document involved, by author(s) and addressee(s) [1] including job title, and by a description of the document's contents. In order to avoid revealing

[1] Includes all persons shown to have received a carbon copy of the document or to whom the original is shown to have been circulated, other than the secretary charged with filing the document.

the privileged information involved, the latter description is necessarily quite brief.[2] The full job title or position of an author or addressee is given only the first time such person appears in this list and is omitted thereafter to avoid unnecessary repetition.

Excluded from this list are correspondence and intra-office memoranda relating to the drafting of motions or other papers to be filed by Standard and Zletz in Interference 89,634 or relating to papers filed or the testimony given by the other parties to the Interference. Although technically covered by a liberal reading of certain paragraphs of the Natta Rule 34 Motion, it is assumed that the production of such documents is not in fact requested. It should be noted in this connection that the correspondence, drafts and other documents relating to the affidavits filed in connection with the Zletz applications referred to in Paragraph 23 of the Natta Motion have been produced where available.

[2] To the extent even this brief description may disclose any of the substance of the privileged material, it is in no sense intended as a waiver of such privilege by Standard.

CATEGORY 1 (Page 1 of 5)

Correspondence between Outside Counsel retained by Standard and Zletz in connection with or in anticipation of Interference 89,634 and Attorneys in the Patents and Licensing Department of Standard (including subsidiaries.)

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
5/29/56 Letter 14700	S. B. Becker, Esq., Standard Senior Patent Attorney	B. B. Schneider, Esq.,[1] Schneider & Bressler Chicago, Illinois cc: P. H. Sullivan, Esq. Standard General Patent Attorney E. L. d'Ouville Standard Director Technical Liaison	Forwards documents for use by Mr. Schneider in evaluating Standard's patent position in anticipated Interference 89,634.
5/31/56 Letter 05144–05146	S. B. Becker, Esq.	B. B. Schneider, Esq. cc: P. H. Sullivan, Esq. E. L. d'Ouville	Summarizes conference with Mr. Schneider regarding his evaluation of Standard's patent position in anticipated Interference 89,634.
8/7/58 Letter 14704	A. G. Gilkes, Esq., Standard General Patent Attorney	J. T. Kelton, Esq., Watson, Leavenworth, Kelton & Taggart, New York, N.Y. cc: S. B. Becker, Esq. S. Kahn, Esq., Standard Senior Patent Attorney E. L. d'Ouville	Discusses matters to be reviewed at conference with Mr. Kelton in anticipation of his work on Interference 89,634.

[1] Mr. Schneider, who was initially retained as outside counsel, is deceased and was succeeded by Mr. Kelton (see later).

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
8/8/58 Letter 14705	J. T. Kelton, Esq.	A. G. Gilkes, Esq. cc: P. H. Sullivan, Esq. S. B. Becker, Esq. S. Kahn, Esq. D. E. Payne, Esq. Standard Assistant General Patent Attorney	Response to above letter.
8/15/58 Letter and Charts 14706 (group document)	S. Kahn, Esq.	J. T. Kelton, Esq.	Forwards charts used during above conference.
8/18/58 Letter 14707	J. T. Kelton, Esq.	A. G. Gilkes, Esq. cc: P. H. Sullivan, Esq. D. E. Payne, Esq. S. Kahn, Esq. S. B. Becker, Esq. E. L. d'Ouville P. C. White Vice President, Research and Development, American Oil Company R. Gottschalk, Esq. Assistant Manager, Patents and Licensing Department	Comments on above conference.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
8/25/58 Letter 05078–05084	S. B. Becker, Esq.	J. T. Kelton, Esq.	Summarizes and comments on above conference.
8/27/58 Letter 14708 and Memo 05074–05077	S. Kahn, Esq.	J. T. Kelton, Esq. cc: P. H. Sullivan, Esq. A. G. Gilkes, Esq. D. E. Payne, Esq. S. B. Becker, Esq. E. L. d'Ouville	Forwards memorandum of Mr. Kahn summarizing and commenting on above conference.
1/5/58(9) [4] Letter 14701	S. Kahn, Esq.	J. T. Kelton, Esq. cc: A. G. Gilkes, Esq. D. E. Payne, Esq.	Inquires re legal effect of publication of British equivalent to U. S. application in anticipated Interference 89,634.
1/8/59 Letter 14702–14703	J. T. Kelton, Esq.	S. Kahn, Esq. cc: A. G. Gilkes, Esq. P. H. Sullivan, Esq. D. E. Payne, Esq. E. L. d'Ouville	Response to above letter.
7/8/59 Letter 14709	S. Kahn, Esq.	J. T. Kelton, Esq.	Summarizes and comments on information supplied for use by Mr. Kelton in Interference 89,634.
9/24/59 Letter 14710	A. G. Gilkes, Esq.	J. T. Kelton, Esq.	Requests legal opinion on involvement of other patent application in Interference 89,634.

[4] Document misdated as 1/5/58; should be 1/5/59.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
9/29/59 Letter 14711–14714	J. T. Kelton, Esq.	A. G. Gilkes, Esq. cc: S. Kahn, Esq. A. H. Bransky, Esq. Standard Assistant General Patent Attorney	Response to above letter.
10/16/59 Letter 14715	A. G. Gilkes, Esq.	J. T. Kelton, Esq.	Comments on Mr. Kelton's 9/24/59 Letter.
10/29/59 Letter 14716–14717	J. T. Kelton, Esq.	A. G. Gilkes, Esq. cc: S. Kahn, Esq. A. H. Bransky, Esq.	Discusses legal significance to Interference 89,634 of certain technical data and requests further information.
11/30/59 Letter 14718	S. Kahn, Esq.	J. T. Kelton, Esq. cc: A. G. Gilkes, Esq. E. L. d'Ouville P. Hill, Standard Senior Patent Advisor	Comments on further information requested by Mr. Kelton's 10/29/59 letter.
5/4/60 Letter 14719	A. G. Gilkes, Esq.	J. T. Kelton, Esq. cc: A. H. Bransky, Esq. S. Kahn, Esq.	Comments further on matter raised in letters of 9/24/59, 9/29/59 and 10/16/59.
1/25/61 Letter 14720–14721	J. T. Kelton, Esq.	P. H. Sullivan, Esq.	Legal opinion concerning the Standard and Zletz case in Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
6/16/65 Letter and Affidavit 14722–14724	A. G. Gilkes, Esq.	J .T. Kelton, Esq.	Discusses use of possible witness in Interference 89,634 and comments on witness' enclosed affidavit.
6/17/68 Letter 14725	J. T. Kelton, Esq.	A. G. Gilkes, Esq. cc: A. H. Bransky, Esq. R. C. Medhurst, Esq. Standard Senior Patent Attorney E. L. d'Ouville	Legal advice in response to above letter.

Intra-office memoranda prepared either by Standard's Outside Counsel or by Attorneys in Standard's Patents and Licensing Department in connection with their work in Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
2/9/59 Memorandum 14726–14727	S. Kahn, Esq.	File cc: P. H. Sullivan, Esq. A. G. Gilkes, Esq. A. H. Bransky, Esq. D. E. Payne, Esq. E. L. d'Ouville P. Hill	Summarizes conference relating to preparation of case in Interference 89,634.
5/13/59 *Memorandum 14741	J. T. Kelton, Esq.	File	Summarizes and comments on conference with Standard Patent Department attorneys regarding claims involved in Interference 89,634.
5/13/59 *Memorandum 14742	J. T. Kelton, Esq.	File	Continuation of above.
2/23/60 *Memorandum 14743	W. H. Vogt, Esq., Watson, Leavenworth, Kelton & Taggart 100 Park Avenue New York, N. Y.	J. T. Kelton, Esq.	Comments on matters to be discussed with Standard attorneys and outside consultant in connection with Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
4/5/60 *Memorandum 14744	J. T. Kelton, Esq.	File	Summarizes and comments on conference with Standard Patent Department attorney concerning certain aspects of Natta case in Interference 89,634.
4/7/61 Memorandum 14728	D. G. Brace, Esq.	A. G. Gilkes, Esq. cc: A. H. Bransky, Esq. S. Kahn, Esq. W. T. McClain, Esq. Standard Senior Patent Attorney	Summarizes legal research in connection with Interference 89,634.
12/5/61 Memorandum 14729–14730	D. G. Brace, Esq.	File	Summarizes legal research in connection with Interference 89,634.
2/23/62 Memorandum 14731	D. G. Brace, Esq.	File cc: J. T. Kelton, Esq. A. G. Gilkes, Esq. R. C. Medhurst, Esq.	Summarizes and comments on technical information in connection with Interference 89,634.
6/11/63 *Memorandum 14745	W. H. Vogt, Esq.	J. T. Kelton, Esq.	Summarizes and comments on published article having possible application to Interference 89,634.
9/4/64 *Memorandum 14746	W. H. Vogt, Esq.	J. T. Kelton, Esq.	Summarizes telephone conversation with Standard Patent Department attorney concerning meeting with Standard technical expert in Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
10/12/64 Handwritten Notes 14732	R. C. Medhurst, Esq.	File	Summarizes and comments on anticipated testimony in Interference 89,634.
10/21/64 Memorandum 14734	R. C. Medhurst, Esq.	A. G. Gilkes, Esq.	Summarizes telephone request by Mr. Kelton for information in connection with Interference 89,634.
8/27/64 *Memorandum 14749 (group document)	D. Dick, Esq.[5] Watson, Leavenworth, Kelton & Taggart	File	Summarizes and comments in connection with Interference 89,634 on prior availability of Standard applications to DuPont.
9/8/64 *Memorandum 14750 (group document)	D. Dick, Esq.	File	Tabulates and comments on laboratory notebooks in connection with Interference 89,634.
9/11/64 *Memorandum 14751 (group document)	D. Dick, Esq.	File	Discusses additional proofs to be sought in Interference 89,634.
9/14/64 *Memorandum 14752 (group document)	D. Dick, Esq.	File	Summarizes and comments on laboratory notebooks in connection with Interference 89,634.

[5] Mr. Dick was first associated with the firm of Watson, Leavenworth, Kelton & Taggart on April 1, 1963 as a law clerk. While so employed, Mr. Dick worked under the direct and immediate supervision of J. T. Kelton, Esq. in connection with Interference 89,634. Mr. Dick was admitted to the bar of New York on March 17, 1965.

Document Date, Type and* Identifying No.	Author(s)	Addressee(s)	Summary Description
10/2/64 *Memorandum 14753 (group document)	D. Dick, Esq.	File	Summarizes and comments on chronology of events reported in laboratory notebooks in connection with Interference 89,634.
10/20/64 *Memorandum 14754 (group document)	D. Dick, Esq.	W. H. Vogt, Esq.	Summarizes and comments on evidence relating to fibers in connection with Interference 89,634.
1/26/65 *Memorandum 14755 (group document)	D. Dick, Esq.	File	Summarizes and comments on preparation for testimony in Interference 89,634.
1/27/65 *Memorandum 14756 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain laboratory records relating to Interference 89,634.
2/2/65 *Memorandum 14757 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain laboratory records relating to Interference 89,634.
2/5/65 *Memorandum 14758 (group document)	D. Dick, Esq.	File	Summarizes and comments on past analytical techniques relating to Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
2/5/65 *Memorandum 14759 (group document)	D. Dick, Esq.	File	Summarizes and comments on past analytical techniques relating to Interference 89,634.
2/18/65 *Memorandum 14760 (group document)	D. Dick, Esq.	File	Summarizes and comments on past analytical techniques relating to Interference 89,634.

CATEGORY 2 (Page 5 of 7)

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
4/26/65 *Memorandum 14761	Stevan Bosses, Esq. Watson, Leavenworth, Kelton & Taggart	D. Dick, Esq.	Summarizes legal research in connection with Interference 89,634.
5/11/65 Handwritten Notes 14735	A. G. Gilkes, Esq.	File	Summarizes and comments on interview with possible witness in Interference 89,634.
7/12/65 *Memorandum 14762 (group document)	D. Dick, Esq.	File	Summarizes and comments on Standard claims in Interference 89,634.
7/13/65 *Memorandum 14782 (group document)	D. Dick, Esq.	File	Summarizes and comments in connection with Interfeernce 89,634 on activities of outside technical expert.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
7/15/65 *Memorandum 14763 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain laboratory records relating to Interference 89,634.
8/4/65 *Memorandum 14764 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain laboratory records relating to Interference 89,634.
9/13/65 Memorandum 14736	R. C. Medhurst, Esq.	File	Summarizes and comments on interview with possible witness in Interference 89,634.
12/2/65 *Memorandum 14783 (group document)	W. H. Vogt, Esq.	File	Summarizes legal research in connection with Interference 89,634.
12/7/65 *Memorandum 14765	S. Bosses, Esq.	W. H. Vogt, Esq.	Summarizes legal research in connection with Interference 89,634.

CATEGORY 2 (Page 6 of 7)

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
12/8/65 *Memorandum 14766	S. Bosses, Esq.	W. H. Vogt, Esq.	Summarizes legal research in connection with Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
1/15/66 *Memorandum 14780	J. T. Kelton, Esq.	File	Comments on telephone conference with outside expert in connection with Interference 89,634.
6/15/66 *Memorandum 14767 (group document)	H. J. Bridger,[6] Watson, Leavenworth, Kelton & Taggart	File	Summarizes and comments on testimony of certain witnesses in Interference 89,634.
Undated *13 Notebooks 1 File Folder 14768 (group document)	J. T. Kelton, Esq.	File	Personal notes summarizing and commenting on testimony and personal notes and material for examination of witnesses in Interference 89,634.
Undated *3 Notebooks 1 File Folder 14769 (group document)	W. H. Vogt, Esq.	File	Personal notes summarizing and commenting on testimony in Interference 89,634.
Undated 2 Notebooks 1 File Folder 14738 (group document)	A. G. Gilkes, Esq.	File	Personal notes summarizing and commenting on testimony in Interference 89,634.

[6] Mr. Bridger became associated with the firm of Watson, Leavenworth, Kelton & Taggart on May 16, 1966 as a law clerk. While so employed, Mr. Bridger worked under the direct and immediate supervision of J. T. Kelton, Esq. in connection with Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
Undated 12 File Folders 14739 (group document)	R. C. Medhurst, Esq.	File	Personal notes summarizing and commenting on testimony in Interference 89,634.

CATEGORY 2 (Page 7 of 7)

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
Undated 5 Notebooks 3 File Folders 14740 (group document)	J. G. Blumberg, Esq. Standard Patent Attorney	File	Personal notes summarizing and commenting on testimony in Interferenec 89,634.
Undated Notebook 14737 (group document)	S. Kahn, Esq.	File	Personal notes in connection with preparation for Interference 89,634.
Undated *Memorandum 14747 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain aspects of Standard case relating to Interference 89,634.
Undated *Memorandum 14748 (group document)	D. Dick, Esq.	File	Summarizes and comments on certain laboratory records relating to Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
Undated *18 Notebooks 14781 (group document)	D. Dick, Esq.	File	Personal notes summarizing and commenting on testimony in Interference 89,634.

CATEGORY 3 (Page 1 of 1)

Correspondence between Standard's Outside Counsel and one of its outside technical experts in connection with Interference 89,634.

Document Date, Type and Identifying No.	Author(s)	Addressee(s)	Summary Description
11/29/65 Letter 14777	Dr. H. F. Mark Professor Emeritus Polytechnic Institute of Brooklyn, Brooklyn, N. Y.	J. T. Kelton, Esq. cc: R. C. Medhurst, Esq.	Discusses technical information requested by Mr. Kelton in connection with Interference 89,634.
12/1/65 Letter 14778	J. T. Kelton, Esq.	Dr. H. F. Mark cc: A. G. Gilkes, Esq.	Requests clarification of one item in above letter.
12/6/65 Letter and Diagrams 14779	Dr. H. F. Mark	J. T. Kelton, Esq.	Supplies further technical information requested by Mr. Kelton in connection with Interference 89,634.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

January 22, 1969.

Before Hon. LATHAM CASTLE, Chief Judge, Hon. WIN G. KNOCH, Senior Circuit Judge, Hon. WALTER J. CUMMINGS, Circuit Judge.

No. 17371

GIULIO NATTA, PIERO PINO and GIORGIO MAZZANTI, *Petitioners,*

vs.

HON. JAMES B. PARSONS, District Judge, *Respondent.*

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

This matter comes before the Court on the petition of Giulio Natta, Piero Pino and Giorgio Mazzanti, "that this Court issue a writ of mandamus and prohibition, directed to the Honorable James B. Parsons, (a) commanding (i) the entry of a final order in C. A. 66 C 1221 effective to enforce said mandate without deviation and (ii) vacation of any and all previously entered orders not in accord with said mandate, and (b) prohibiting the entry of any order which deviates from said mandate." On consideration whereof,

IT IS ORDERED AND ADJUDGED by this Court that the said petition of Giulio Natta, Piero Pino and Giorgio Mazzanti, be and the same is hereby denied.

A True Copy:

Teste:

KENNETH J. CARRICK
Clerk of the United States Court of Appeals for the Seventh Circuit

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

January 30, 1969.

Before Hon. LATHAM CASTLE, Chief Judge, Hon. WIN G. KNOCH, Senior Circuit Judge, Hon. WALTER J. CUMMINGS, Circuit Judge.

No. 17391

GIULIO NATTA, et al., *Appellants,*

vs.

ALEX ZLETZ, et al., *Appellees.*

ORDER

On consideration of the appellants' motion to suspend rules and to expedite the decision,

IT IS ORDERED that appellants' brief shall be filed on or before February 3, 1969, appellees' brief shall be filed on or before February 17, 1969, and appellants' reply brief shall be filed within 7 days thereafter. In their briefs, the parties are requested to discuss, *inter alia,* whether appellees have waived the attorney-client and work product privileges specified in paragraph D of the district court's order of January 21, 1969, by failure to raise the issue in Appeal No. 16997, or for other reasons. After the aforesaid briefs are filed with the Clerk of this Court, the cause will be taken under advisement without any oral argument. Exhibits A and C in the Exhibit Book in Appeal No. 17371 shall be deemed a part of the record in this appeal, and the 2-volume appendix in Appeal No. 16997 will be deemed Volumes I and II of the appendix herein.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

April 7, 1969.

Before Hon. LATHAM CASTLE, Chief Judge, Hon. WIN G. KNOCH, Senior Circuit Judge, Hon. WALTER J. CUMMINGS, Circuit Judge.

No. 17391

GIULIO NATTA, et al., *Appellants,*

vs.

ALEX ZLETZ, et al., *Appellees.*

On consideration of the petition of the appellants, Giulio Natta, et al., for a rehearing by the Court en banc in the above-entitled appeal, and, no member of the panel and no judge in regular active service having requested that a vote be taken on the suggestion for an en banc rehearing, and the panel having voted to deny a rehearing,

IT IS ORDERED that the petition of the appellants for a rehearing in the above-entitled appeal be, and the same is hereby denied.

(6959-1)